















Performance Report Card
New Mexico Environment Department
Fiscal Year 2009, 4th Quarter and Final

Performance Overview: With a few exceptions, performance declined from FY08. In most cases, the agency attributed some underperformance to agency vacancies stemming from the state hiring freeze. Performance patterns over the last three years confirm the notion that permitting programs are particularly sensitive to vacancy rates, trending up or down accordingly. In addition, the agency notes that it prioritized issuing permits and developing new dairy and mining regulations over inspection activities. Improved performance is doubtful as long as filling vacancies is limited. Performance reporting could be improved by refocusing on outcome measures and reducing technical jargon.

Water Quality Program		Budget: \$22,484.2	FTE: 205.5	FY08 Actual	FY09 Target	Q2	Q3	Q4	FY09 Final	Rating
1	Percent of permitted facilities receiving annual compliance evaluations and annual field inspections, and total estimated permitted facilities (Cumulative)			76% of 875	65% of 935	36%	49%	61%	61% of 935	
2	Percent of permitted facilities where monitoring results do not exceed standards* (Same as successfully prevented groundwater pollution)			75%	75%	74%	73%	72%	73%	
3	Percent of cases in which Sandia National Labs (SNL) and Los Alamos National Lab are notified of agency action on document submittals within the timeframes specified in the executed consent orders			92%	90%	100%	100%	83%	93%	
4	Number of impaired stream miles currently being addressed through watershed restoration plans to improve surface water quality			441	220	-	124 (est.)	110	110	
Program Rating										
Comments: The Ground Water Bureau notes that six vacancies in the last half of FY09 (due to the hiring freeze) led to underperforming the inspection measure (#1). The bureau attributes the slight drop in the final results for the monitoring measure (#2) to data corrections and new water quality data from some dairies undergoing abatement. Regarding the last measure, five grants are pending for projects that will address about 110 additional stream miles, below the targeted 220 miles. The agency is limited in achieving this target to the availability of federal Clean Water Act funds, which dropped from over \$1 million awarded in FY08 to \$542 thousand in FY09. In addition, the measure's performance is impacted by complexity of projects and type of impairments being addressed. Because these considerations are beyond the agency's control, a yellow rating is applied for this measure.										
Environmental Health Program		Budget: \$10,527.4	FTE: 135	FY08 Actual	FY09 Target	Q2	Q3	Q4	FY09 Final	Rating
5	Percent of new septic tank inspections completed*			90%	85%	91%	93%	87%	93%	
6	Percent of high risk food-related violations corrected within the timeframes noted on the inspection report issued to permitted commercial food establishments			71%	100%	88%	87%	88%	85%	
7	Percent of radiation producing machine inspections completed within the timeframes identified in the radiation control bureau policies			70%	100%	86%	97%	100%	95%	
Program Rating										
Comments: Inspections for new septic tanks were aided by a 23 percent drop in permits, reflecting the slow construction and real estate markets for FY09. While still below targets, the agency has made tremendous strides in improving performance in the food and radiation programs. Due to the apparently successful implementation of its action plan, the overall rating is green.										
Environmental Protection Program		Budget: \$17,621.6	FTE: 202	FY08 Actual	FY09 Target	Q2	Q3	Q4	FY09 Final	Rating
8	Number of days per year in which the air quality index exceeds one hundred, exclusive of natural events such as high winds and wildfires*			10	08	Reported Annually	Reported Annually	Reported Annually	6	
9	Percent of facilities taking corrective action to mitigate air quality violations discovered as a result of inspections*			100%	95%	100%	100%	100%	100%	
10	Percent of inspected solid waste facilities that are in substantial compliance with the solid waste management regulations*			76%	75%	77%	83%	88%	81%	

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Environmental Protection Program			FY08 Actual	FY09 Target	Q2	Q3	Q4	FY09 Final	Rating		
11	Percent of landfills meeting groundwater monitoring requirements*		61%	93%	74%	71%	77%	72%	Y		
12	Percent of underground storage tank facilities in significant operational compliance with release prevention and release detection regulations of the petroleum storage tank regulations		77%	90%	Reported Annually	Reported Annually	Reported Annually	58%	R		
13	Percent of serious worker health & safety violations corrected within the timeframes designated on issued citations from the consultation and compliance sections* (Cumulative)		96.4%	95%	95%	95%	95.9%	95.9%	G		
Program Rating			Y						Y		
Comments: Despite LFC objections, FY09 is the last year that the Air Quality Bureau will be reporting results for the outcome measure regarding air quality (#8). The Solid Waste Bureau shows substantial improvement in landfills meeting monitoring requirements but remains far below the target of 93 percent. The bureau considers this target to be unrealistic for a variety of reasons, including the inability to fill a hydrologist position due to the hiring freeze, a shortage of qualified consultants to perform the water sampling, and the prevalence of small, closed landfills in economically disadvantaged communities. The need for monitoring grants far outstrips current resources. The drop in performance regarding underground storage tank facilities (#12) is attributed to a more stringent inspection protocol, the need for equipment upgrades for facilities statewide, and a staffing shortage for follow-up visits in some areas. Two key vacancies are anticipated to continue under the hiring freeze.											
Water and Wastewater Infrastructure Development Program			Budget: \$10,908.3	FTE: 89	FY08 Actual	FY09 Target	Q2	Q3	Q4	FY09 Final	Rating
14	Percent completion of the New Mexico Environment Department's portion of implementing Executive Order 2007-050 and implementation of the Uniform Funding Application (UFA)				10%	100%	90%	100%	100%	100%	G
15	Percent of public water systems that comply with acute maximum contaminant levels*				98.5%	95%	99.5%	100%	99.8%	99.1%	G
16	Percent of public drinking water systems inspected within one week of notification of system problems that might impact public health*				97.2%	100%	100%	No notifications	100%	100%	G
Program Rating			N/A							Y	
Comments: FY09 is the second year for this new program, which combined the Construction Program Bureau with the Drinking Water Bureau and added a community outreach function. The Uniform Funding Application (UFA), a web-based process, is fully implemented. However, no outcome measures reveal how well the UFA and the reorganization are translating into more efficient water and wastewater infrastructure development. The delay in setting measurable objectives is of concern. The quarterly report does now detail activity for the rural infrastructure loan program and the clean water state revolving loan fund (CWSRF), which is a significant addition to the annual report, but is explanatory. One new measure for FY11 tracks success of marketing the CWSRF loan program. Due to the absence of meaningful outcome measures relating to the reorganization, such as one measuring the impact of the new community outreach function, the overall program is rated yellow -- even though the reported measures are meeting or exceeding targets.											
Program Support			Budget: \$9,316.5	FTE: 85	FY08 Actual	FY09 Target	Q2	Q3	Q4	FY09 Final	Rating
17	Percent of enforcement actions brought within one year of inspection or documentation of a violation*				95.5%	100%	100%	100%	99%	99.4%	G
18	Percent of prior-year significant audit findings resolved				67%	100%	Reported Annually	Reported Annually	Reported Annually	57%	R
Program Rating			G							Y	
Comments: Although Program Support showed improvement from FY08 performance regarding enforcement actions, the key measure for resolving prior year audit findings fell sharply. Four of six significant FY07 audit findings were resolved in FY08, including reconciling records to SHARE. According to the agency, one of the remaining findings, the lack of maintaining capital asset records, was resolved during FY09. The issue of not preparing financial statements remained for FY08. Also, for the second year, the audit was late which became a new significant finding for FY08. The auditor determined the department to be a high risk auditee in the 2008 audit.											

* Denotes House Bill 2 measure